

UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF TEXAS

DATE: June 29, 2019
LOCATION: Lufkin Division
DEPUTY CLERK: Julia Colyer
RPTR/ECRO: Ruth Weese
INTERPRETER: None
BEGIN: 9:06 a.m.
ADJOURN: 8:30 p.m.

CASE NUMBER: **9:18CR43-1**
USA Lauren Gaston AUSA
Michelle Englade AUSA

WINFRED EARL WARE, JR.

Defendants
Greg Gladden
Attorneys

TOTAL MINUTES: 11 HOURS 36 MINUTES

JURY TRIAL DAY 9

This day comes the parties by their attorneys and the following proceedings are held before the Honorable Marcia Crone in Tyler, Texas:

✓ Jury trial held ✓ Rule invoked.
Defendant ☐ enter a plea ✓ proceed to trial ☐ continuance granted by the Court.
Evidence presented: ✓ Government ✓ defendant
✓ Defendant remanded into the custody of the US Marshals.

Government's ✓ Exhibit List ✓ Witness List
Defendant ✓ Exhibit List ✓ Witness List

✓ Evidence concluded. ✓ Final Arguments ✓ Jury Instructions – Court Charge to Jury
✓ Jury deliberating ✓ Jury Notes 1, 2, 3, 4
✓ Jury Verdict Count 1: Guilty Count 2 Guilty Count 3 Guilty
✓ Trial Ends

Additional Proceedings:

9:06 am Court is called. AUSA Lauren Gaston and Michelle Englade are present on behalf of the Government. Counsel Greg Gladden is present on behalf of the defendant. The defendant is present. The Court addresses issues outside the presence of the jury.

9:08 am Counsel Gladden calls witness Kevin Lake. He begins direct examination of the witness.

9:15 am Counsel Gladden moves to admit defendant's exhibits 27, 28, 29, 30, 33, and 34. The Government objects and the Court determines the exhibits are not admitted.

9:22 am Witness is excused.

9:24 am Counsel Gladden calls witness Ronnie Endsley. He was previously sworn. Counsel Gladden begins direct examination.

9:34 am The Court calls a bench conference.

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9:36 am The bench conference concludes and Counsel Gladden continues direct examination of the witness.

9:39 am The witness is excused. The Government requests a bench conference.

9:45 am Counsel Gladden calls witness Danny Buck Davidson. He is sworn. Counsel Gladden begins direct examination of the witness.

9:55 am The Court admits defendant's exhibit 5.

9:59 am The witness is excused.

10:00 am Counsel Gladden calls witness Kevin Jones. He is sworn and Counsel Gladden begins direct examination of the witness.

10:09 am The witness is excused. Counsel Gladden calls witness Brack LaGrone. He has been previously sworn. Counsel Gladden begins direct examination of the defendant.

10:15 am The witness is excused. The jury exits the courtroom and court proceedings continue outside the presence of the jury.

10:56 am Counsel Gladden requests that Court allow him time for his witnesses to arrive. The Court agrees to allow him until 11:30. The parties organize their exhibits for the Court.

11:34 am The jury returns to the courtroom. Counsel Gladden calls witness Sandra Miller. She is sworn and Counsel Gladden begins direct examination.

11:54 am The witness is excused. Counsel Gladden calls witness Brenda Brown. She is sworn and Counsel Gladden begins direct examination of the witness.

11:59 am AUSA Gaston begins cross examination of the witness.

12:00 pm Counsel Gladden begins redirect examination of the witness.

12:02 pm Counsel Gladden rests on behalf of the defendant. AUSA Gaston announces that the Government has rebuttal. She recalls witness Jeffrey Anderson. She begins direct examination of the witness.

12:07 pm The Government offers Government's exhibit 60 and 60A. Counsel Gladden questions the witness on voir dire.

12:12 pm AUSA Gaston continues examination of the witness.

12:14 pm Government's exhibit 60A is admitted.

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12:18 pm Government's exhibit 60 is admitted.

12:22 pm Government's exhibit 60B is admitted.

12:27 pm Counsel Gladden begins cross examination of the witness.

12:46 pm The Government rests.

2:30 pm The jury is excused for lunch. Court proceedings continue outside the jury's presence. Counsel Gladden explains that defendant's exhibit 63 was broken down into multiple documents. They are now 63A through 63J.

2:40 pm The Government makes a motion to substitute the physical drug evidence with photographs. The Court grants the motion.

2:42 pm The jury returns to the courtroom. The Court reads the jury instructions/charge to the jury.

3:14 pm AUSA Michelle Englade begins closing argument.

3:37 pm Counsel Gladden begins closing argument.

4:12 pm AUSA Gaston begins the Government's rebuttal.

4:38 pm The Court addresses the jury. The jury exits the courtroom and begins deliberations.

4:50 pm Jury Note 1 received regarding the jury foreperson.

5:14 pm Jury Note 2 received regarding a question.

5:40 pm Court resumes outside the jury's presence. The parties discuss the jury note and a written response is provided. Response: "You have all the exhibits that have been admitted."

5:44 pm The parties discuss forfeiture issues.

7:06 pm Jury Note 3 received regarding a question. The parties discuss the jury note and a written response is provided. Response: "Please recall the testimony you have heard on the subject."

7:33 pm Jury Note 4 received regarding a verdict.

7:49 pm Court proceedings resume. The Court announces that a verdict has been reached.

7:55 pm The jury is brought back into the courtroom. The verdict is read. Counsel Gladden requests that the jury be polled. The jury is polled.

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8:21 pm AUSA Gaston requests a bench conference.

8:30 pm The bench conference concludes and the Court excuses the jury. Court is adjourned.